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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/814,314  | 03/31/2004  | Richard M. Pepe      | 352-155             | 5181             |
| 2574  | 7590        | 11/02/2004           | EXAMINER            |                  |
| JENNER & BLOCK, LLP<br>ONE IBM PLAZA<br>CHICAGO, IL 60611 |             |                      | BOCHNA, DAVID       |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3679                |                  |
| DATE MAILED: 11/02/2004                                   |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/814,314

Applicant(s)

PEPE, RICHARD M.

Examiner

David E. Bochna

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13, 14 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-3, 9-11 and 15 is/are rejected.
- 7) ☒ Claim(s) 4-8 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 6-10 are objected to because of the following informalities: Claim number 5 was skipped in the number of claims 1-16. Therefore claims 6-16 should be renumbered to reflect their true claim number. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10-11 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10, line 1, it is unclear what is meant by the phrase "wherein said legs movable".

Claim 11 recites the limitation "said retaining beams" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the axial abutting relationship" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Szabo et al.

In regard to claim 1, Szabo et al. discloses a quick connector coupling for forming a joint in a fluid line system comprising:

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a female connector body 12 having slots 153 formed therethrough, and a through bore extending from an end of said connector body,

a male member 14 extending through said end of said connector body and into said bore, said male member having a tubular surface and an annular upset 42, said upset having a diameter greater than the diameter of said tubular surface;

a primary retainer 82, 84 coupled to said connector body, said primary retainer including a cross member 62 and two spaced legs 82, 84 extending from said cross member and through said slots, said legs in abutting relationship with said male member upset 42, said legs in a locked position in which said legs are spaced apart a distance less than the diameter of said upset 42;

a secondary latch/verifier coupled to said connector body, said secondary latch/verifier including two fingers 64, 66, each finger having a portion positioned laterally outward of one of said legs 82, 84.

In regard to claim 2, wherein said legs 82, 84 are approximately perpendicular to the axis of said bore when viewed from the side.

In regard to claim 3, said fingers 64, 66 are approximately perpendicular to the axis of said bore when viewed from the side.

In regard to claim 9, the secondary latch/verifier further includes a rim (outer edge surfaces of curved surface 62), the rim axially positions the latch/verifier to the connector body (that rim abuts surface 153).

***Allowable Subject Matter***

6. Claims 4, 6-8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. Claims 11, 12 and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. Claims 13-14 and 16 are allowed.

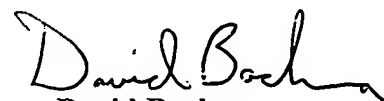
***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lesser et al., Kondo et al., Reinholz, and PCT WO 94/27077 all disclose similar couplings common in the art.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



**David Bochna**  
**Primary Examiner**  
**Art Unit 3679**  
**October 29, 2004**